

LEGISLATIVE AUDIT DIVISION

DATE 2/9/07
HB Deputy Legislative Auditor:
James Gillett
Angie Grove

Scott A. Seacat, Legislative Auditor
Tori Hunthausen,
Chief Deputy Legislative Auditor



February 9, 2007

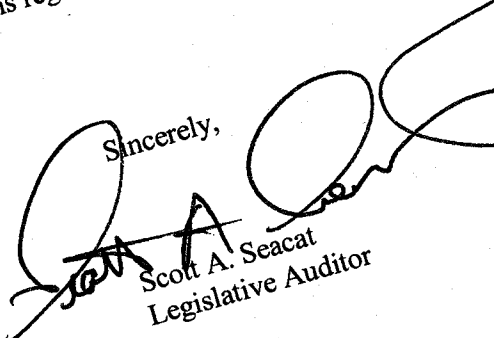
Representative Veronica Small-Eastman
Montana House of Representatives
PO Box 200400
Helena MT 59620

Dear Representative Small-Eastman:

Per your request, we have obtained information related to funding options for state purchasing of child safety seats. Enclosed is information on activities being pursued by other states and current federal funding assistance available through grants.

If you would like further assistance or have questions regarding the information provided, please do not hesitate to call.

Sincerely,


Scott A. Seacat
Legislative Auditor

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Enclosure

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LEGISLATIVE AUDIT DIVISION



MEMORANDUM

Deputy Legislative Auditors:
James Gillett
Angie Grove

Scott A. Seacat, Legislative Auditor
Tori Hunthausen,
Chief Deputy Legislative Auditor

TO: Scott Seacat, Legislative Auditor
FROM: Steve Erb, Senior Performance Auditor
RE: Legislative request to identify alternate funding sources for the purchase of child protective seats, 07L-2466
DATE: February 9, 2007

To identify alternate sources of funding for the purchase of child protective seats, I contacted other states, reviewed existing state and federal law, spoke with law enforcement officials, and various state agencies. I also reviewed proposed legislation associated with child restraint devices.

Federal Funding Opportunities

Funding grants are available to support purchasing child protective seats through Section 2011 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy to Users (SAFETEA-LU), administered by the Department of Transportation. SAFETEA-LU provides state grants that can be used to purchase car seats for children of low-income families and establish programs to educate parents on the use of child car seats. Grants require a state match of 25-50 percent of the total award. For FY 2009 there is \$6 million available and in FY 2010 there is \$7 million available in grants. Five states (New Jersey, Maine, Missouri, Vermont, and West Virginia) and the District of Columbia are currently receiving \$2.6 million in grant funding. A number of other states have proposed that will make them eligible to apply for these grants (Oregon, Washington, and California).

For this grant, the state would have to implement requirements such as those proposed by Senator Cooney)

and in Other States

The authority to divert funds received from citations issued for driving in ten counties currently use these funds to provide child safety seats to residents. Funds developed by this option are dependent on fines laws.

of up to \$100 for violations of child restraint use laws for individuals not properly seat belted (61-13-103, MCA). The citations issued in 2006 for passenger restraint violations at fines collected from citations issued by city and county law

enforcement go directly into the city or county General Fund. Fines collected from citations issued by the Montana Highway Patrol are evenly distributed between the county General Fund and the state's General Fund. Based on Montana Highway Patrol citations for 2006, the state General Fund could have received \$146,560 if the maximum fines were levied for offenses. If local governments chose to implement a similar diversion program, they could provide child safety seats to county/city residents in need.

Diverting fines resulting from enforcing seat belt and child restraint use laws can be a source of funds to purchase child safety seats. However, as more of the population begins to use seat belts and law enforcement continues to target seat belt use, it is expected that fewer citations would be issued in the future. To maintain a steady source of revenue for purchasing child safety seats, fines will have to be increased or an additional source of funds will be necessary.

Seat Belt Citations Issued in 2006		
	Failure to use Seat Belt	Failure to use Child Restraints
Montana Highway Patrol	12,986	334
Helena Police Department	293	12
Billings Police Department	159	8
Yellowstone County Sheriff	1	0

Source: LAD Survey of Law Enforcement Agencies

The National Highway Traffic Safety Administration (NHTSA) also has various grants available to support occupant protection activities and some states have used these funds to support the purchase of child safety seats, establish programs for inspecting and installing child safety seats, and provide education to parents. Montana's Highway Traffic Safety office has used these funds to provide grants for child safety seat inspection sites and local education programs. In some cases, local organizations, such as Montana's Healthy Mothers-Healthy Babies, have also used funds to purchase child safety seats for low-income families.

Do Other States Provide Direct Funding for Purchasing Child Safety Seats?

While researching this request, I contacted the states of Washington, Maine, California, Oregon, and Nebraska. I also contacted the national office of Safe Kids in Washington, DC. None of the states contacted provided any direct funding to purchase child safety seats. Any funding that was provided was passed through from NHTSA to child safety organizations.

Improvement to Strengthen Proposed Legislation

All child safety organizations contacted during this request were excited by the prospect of a state providing direct funding for purchasing child safety seats. Based on conversations with these organizations, there are actions that can be taken to improve proposed legislation. These improvements include:

- Any program to provide child safety seats should include an education program. Failure to properly use a safety seat can result in serious injury to the occupant. Parents must know how to properly fit their child to a safety seat as they continue to grow.
- There must be a system in place to ensure safety seats are properly installed into the family's vehicle or children and other passengers can be seriously injured in a crash. There is an existing network of facilities in the state that can act as a foundation for providing this capability; however, it needs to be extended to all counties.
- All states and child safety organizations contacted limited their free child safety seat programs to low-income families. According to the National Transportation Safety Board, low-income families tend to have lower use of child safety seat usage than other families. This is particularly important because the average child will need four safety seats during their life.